

PATENT  
Docket No. 377882001700

CERTIFICATE OF MAILING BY "FIRST CLASS MAIL."

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*Hazel M. Raskowitz*  
Hazel M. Raskowitz

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In the application of:

Gary VAN NEST and Stephen TUCK

Serial No.: 09/802,376

Filing Date: March 9, 2001

For: IMMUNOMODULATORY  
FORMULATIONS AND METHODS  
FOR USE THEREOF

Examiner: To Be Assigned

Group Art Unit: 1636

**RESPONSE TO NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL  
APPLICATION WITH RESPECT TO THE COMPLIANCE WITH THE  
REQUIREMENTS FOR PATENT APPLICATIONS CONTAINING NUCLEOTIDE  
SEQUENCE AND/OR AMINO ACID SEQUENCE DISCLOSURES**

Box Missing Parts  
Assistant Commissioner for Patents  
Washington, D.C. 20231

Dear Sir:

In response to the Notice to File Missing Parts mailed May 23, 2001, please find enclosed a paper and computer-readable copy of the Sequence Listing.

The undersigned hereby states that the content of the attached papers and the computer readable copy of the Sequence Listing, submitted in accordance with 37 C.F.R. § 1.821(c) and (e), respectively, are the same.

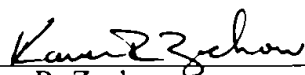
This paper is submitted to comply with the United States Patent Office rules governing gene sequences. No new matter is added.

In the unlikely event that the transmittal letter is separated from this sequence listing and the U.S. Patent Office determines that an extension and/or other relief is required, applicants petition for any required relief including extensions of time and authorize the Assistant Commissioner to charge the cost of such petitions and/or other fees due in connection with the filing of this sequence listing to our Deposit Account No. 03-1952. However, the Assistant Commissioner is not authorized to charge the cost of the issue fee to the Deposit Account.

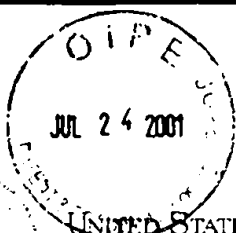
Respectfully submitted,

Dated: July 18, 2001

By:

  
Karen R. Zachow  
Registration No. 46,332

Morrison & Foerster LLP  
755 Page Mill Road  
Palo Alto, California 94304-1018  
Telephone: (650) 813-5895  
Facsimile: (650) 494-0792



UNITED STATES PATENT AND TRADEMARK OFFICE

COMMISSIONER FOR PATENTS  
UNITED STATES PATENT AND TRADEMARK OFFICE  
WASHINGTON, DC 20503

Karen R. Zachow  
Morrison & Foerster LLP  
755 Page Mill Road  
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09/802,376

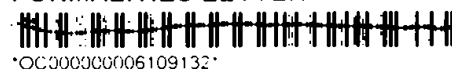
03/09/2001

Gary Van Nest

377882001700

CONFIRMATION NO. 8397

FORMALITIES LETTER



\*OC000300006109132\*

Date Mailed: 05/23/2001

## NOTICE TO FILE MISSING PARTS OF NONPROVISIONAL APPLICATION

FILED UNDER 37 CFR 1.53(b)

*Filing Date Granted*

An application number and filing date have been accorded to this application. The item(s) indicated below, however, are missing. Applicant is given **TWO MONTHS** from the date of this Notice within which to file all required items and pay any fees required below to avoid abandonment. Extensions of time may be obtained by filing a petition accompanied by the extension fee under the provisions of 37 CFR 1.136(a).

- The oath or declaration is unsigned.
- To avoid abandonment, a late filing fee or oath or declaration surcharge as set forth in 37 CFR 1.16(e) of \$65 for a small entity in compliance with 37 CFR 1.27, must be submitted with the missing items identified in this letter.
- **The balance due by applicant is \$ 65.**
- This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998). If the effective filing date is on or after September 8, 2000, see the final rulemaking notice published in the Federal Register at 65 FR 54604 (September 8, 2000) and 1238 OG 145 (September 19, 2000). Applicant must provide an initial computer readable form (CRF) copy of the "Sequence Listing", an initial paper or compact disc copy of the "Sequence Listing", as well as an amendment directing its entry into the application. Applicant must also provide a statement that the content of the sequence listing information recorded in computer readable form is identical to the written (on paper or compact disc) sequence listing and, where applicable, includes no new matter, as required by 37 CFR 1.821(e), 1.821(f), 1.821(g), 1.825(b), or 1.825(d). If applicant desires the sequence listing in the instant application to be identical with that of another application on file in the U.S. Patent and Trademark Office, such request in accordance with 37 CFR 1.821(e) may be submitted in lieu of a new CRF.

For questions regarding compliance to these requirements, please contact:

- For Rules Interpretation, call (703) 308-4216

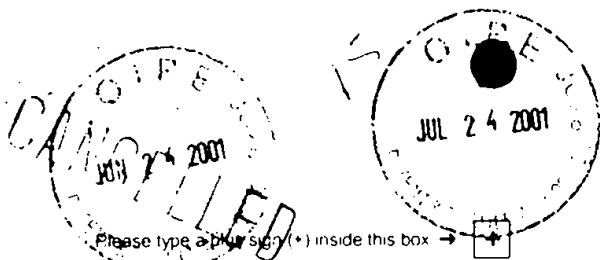
- To Purchase PatentIn Software, call (703) 306-2600
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*A copy of this notice MUST be returned with the reply.*

*JH*

Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 2 - COPY TO BE RETURNED WITH RESPONSE



section 196

PTO/SB/21 (08-00)

Approved for use through 10/31/02 OMB 0651-0031  
U.S. Patent and Trademark Office, U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL FORM</b>  (to be used for all correspondence after initial filing)	<b>Application Number</b>	09/802,376	
	<b>Filing Date</b>	March 9, 2001	
	<b>First Named Inventor</b>	Gary VAN NEST	
	<b>Group Art Unit</b>	1636	
	<b>Examiner Name</b>	To Be Assigned	
<b>Total Number Of Pages In This Submission</b>	16	<b>Attorney Docket No.</b>	377882001700

**ENCLOSURES (check all that apply)**

- |   |   |  |
|---|---|--|
| <input checked="" type="checkbox"/> Fee Transmittal Form plus 1 copy for fee processing (2 pgs) | <input type="checkbox"/> Assignment Papers (for an Application)                         | <input type="checkbox"/> After Allowance Communication to Group                            |
| <input type="checkbox"/> Fee Attached   | <input type="checkbox"/> Drawing(s)   | <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences        |
| <input type="checkbox"/> Amendment / Reply  | <input type="checkbox"/> Licensing-related Papers                                       | <input type="checkbox"/> Appeal Communication to Group (Appeal Notice, Brief, Reply Brief) |
| <input type="checkbox"/> After Final  | <input type="checkbox"/> Petition   | <input type="checkbox"/> Proprietary Information   |
| <input type="checkbox"/> Affidavits/declarations  | <input type="checkbox"/> Petition to Convert to a Provisional Application               | <input type="checkbox"/> Status Letter   |
| <input type="checkbox"/> Extension of Time Request  | <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address | <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below)             |
| <input type="checkbox"/> Express Abandonment Request  | <input type="checkbox"/> Terminal Disclaimer  | 1. Copy of Notice to File Missing Parts of Nonprovisional Application (2 pgs)              |
| <input type="checkbox"/> Information Disclosure Statement                                       | <input type="checkbox"/> Request for Refund   | 2. Paper copy of the "Sequence Listing" (3 pgs)  |
| <input type="checkbox"/> Certified Copy of Priority Document(s)                                 | <input type="checkbox"/> CD, Number of CD(s) _____                                      | 3. Computer readable form (CRF) copy of the "Sequence Listing"                             |
| <input checked="" type="checkbox"/> Response to Missing Parts/ Incomplete Application           | <b>Remarks</b>  | 4. Declaration for Utility Patent Application (2 pgs)                                      |
| <input checked="" type="checkbox"/> Response to Missing Parts under 37 CFR 1.52 or 1.53 (2 pgs) |   | 5. Prosecution by Assignee & Power of Attorney (2 pgs)                                     |
|   |   | 6. Certificate under 37 C.F.R. § 3.73(b) plus copy of assignment (2 pgs)                   |
|   |   | 7. Return Receipt Postcard   |

**SIGNATURE OF APPLICANT, ATTORNEY OR AGENT**

<b>Firm or Individual Name</b>	Morrison & Foerster LLP, 755 Page Mill Rd, Palo Alto, CA 94304-1018
<b>Signature</b>	<i>Karen R. Zachow</i>
<b>Date</b>	July 18, 2001

**CERTIFICATE OF MAILING BY "FIRST CLASS MAIL"**

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*July 18, 2001* *David M. Rosenblatt*  
David M. Rosenblatt

Burden Hour's Statement: This form is estimated to take 0.5 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, Washington, DC 20231. Do NOT SEND FEES OR APPLICATIONS TO THE AGENCY. SEND TO: Assistant Commissioner for Patents, Post Patent Application, Washington, DC 20231.

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**FEE TRANSMITTAL  
FOR FY 2001**

JUN 24 2001

JUL 24 2001

Patent fees are subject to annual revision.

**Complete if Known**

Application Number 09/802,376

Filing Date March 9, 2001

First Named Inventor Gary VAN NEST

Examiner Name To Be Assigned

Group Art Unit 1636

TOTAL AMOUNT OF PAYMENT

(\$65.00)

Attorney Docket No

377882001700

**METHOD OF PAYMENT**

- 1.
- ☒
- The Commissioner is hereby authorized to charge indicated fees and credit any overpayments to

Deposit  
Account  
Number

03-1952

Deposit  
Account  
Name

Morrison &amp; Foerster LLP

- ☒ Charge Any Additional Fee or credit any overpayment to above deposit account number Required Under 37 CFR 1.16 and 1.17
- ☒ Applicant claims small entity status See 37 CFR 1.27

- 2.
- ☐
- Payment Enclosed:

☐ Check ☐ Credit Card ☐ Money Order ☐ Other**FEE CALCULATION****1 BASIC FILING FEE**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
101	710	201	355	Utility filing fee	0.00
106	320	206	160	Design filing fee	0.00
107	490	207	245	Plant filing fee	0.00
108	710	208	355	Reissue filing fee	0.00
114	150	214	75	Provisional filing fee	0.00

SUBTOTAL (1) (\$0.00)

**2 EXTRA CLAIM FEES**

		Extra Claims		Fee from below	Fee Paid
Total Claims	66 - 66 =	0	x	\$9.00	= \$0.00
Independent Claims	6 - 6 =	0	x	\$40.00	= \$0.00
Multiple Dependent				\$0.00	= \$0.00

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description
103	18	203	9	Claims in excess of 20
102	80	202	40	Independent claims in excess of 3
104	270	204	135	Multiple dependent claims, if not paid
109	80	209	40	**Reissue independent claims over original patent
110	18	210	9	**Reissue claims in excess of 20 and over original patent

SUBTOTAL (2) (\$0.00)

\*\* or number previously paid, if greater. For reissues, see above.

**FEE CALCULATION (continued)****3. ADDITIONAL FEES**

Large Fee Code	Entity Fee (\$)	Small Fee Code	Entity Fee (\$)	Fee Description	Fee Paid
105	130	205	65	Surcharge - late filing fee or oath	65.00
127	50	227	25	Surcharge - late provisional filing fee or cover sheet	
139	130	139	130	Non-English specification	
147	2,520	147	2,520	For filing a request for <i>ex parte</i> reexamination	
112	920*	112	920*	Requesting publication of SIR prior to Examiner action	
113	1,840*	113	1,840*	Requesting publication of SIR after Examiner action	
115	110	215	55	Extension for reply within first month	
116	390	216	195	Extension for reply within second month	
117	890	217	445	Extension for reply within third month	
118	1,390	218	695	Extension for reply within fourth month	
128	1,890	228	945	Extension for reply within fifth month	
119	310	219	155	Notice of Appeal	
120	310	220	155	Filing a brief in support of an appeal	
121	270	221	135	Request for oral hearing	
138	1,510	138	1,510	Petition to institute a public use proceeding	
140	110	240	55	Petition to revive - unavoidable	
141	1,240	241	620	Petition to revive - unintentional	
142	1,240	242	620	Utility issue fee (or reissue)	
143	440	243	220	Design issue fee	
144	600	244	300	Plant issue fee	
122	130	122	130	Petitions of the Commissioner	
123	50	123	50	Petitions related to provisional applications	
126	180	126	180	Submission of Information Disclosure Stmt	
581	40	581	40	Recording each patent assignment per properties (times number of properties)	
146	710	246	355	Filing a submission after final rejection (37 CFR § 1.129(a))	
149	710	249	355	For each additional invention to be examined (37 CFR § 1.129(b))	
179	710	279	355	Request for Continued Examination (RCE)	
169	900	169	900	Request for expedited examination of a design application	

Other fee (specify)

\*Reduced by Basic Filing Fee Paid

SUBTOTAL (3)

(\$65.00)

**SUBMITTED BY**

Name (Print/Type)

Karen R. Zachow

Registration No  
(Attorney/Agent)

46,332

Complete (if applicable)

Telephone

(650) 813-5895

Signature

Karen R. Zachow

Date

July 18, 2001

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